

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS KING,

Plaintiff,

v.

T. BELL,

Defendant.

Case No. 09-10001

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 7, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff, a state prisoner, initiated this lawsuit in December 2008 pursuant to 42 U.S.C. § 1983 alleging a violation of his due process right to have a three-, rather than two-, member panel decide whether he should be released on parole. Plaintiff also alleges that his “personal history” contains a false statement that he has a history of substance abuse. On March 10, 2009, Defendant filed a motion for summary judgment which this Court referred to Magistrate Judge Michael Hluchaniuk.

On November 4, 2009, Magistrate Judge Hluchaniuk filed his Report and Recommendation (R&R) recommending that this Court grant Defendant’s motion for summary judgment on grounds that Plaintiff failed to exhaust his administrative remedies,

is barred from obtaining early release from prison by filing a civil suit, and failed to identify a violation of a protected liberty interest justifying an award of damages. At the conclusion of the R&R, Magistrate Judge Hluchaniuk advises the parties that they may object to and seek review of the R&R within 10 days of service upon them. (R&R at 10.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*) Since the filing of Magistrate Judge Hluchaniuk’s R&R the time for filing objections has been extended to 14 days. Fed. R. Civ. P. 72. Both the 10- and 14-day objection periods have now passed and neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk.

Accordingly,

IT IS ORDERED that Defendant’s motion for summary judgment is **GRANTED**.

A judgment consistent with this opinion shall issue.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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